

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Patent Examining Operations**

Applicant(s): Adamou et al
Serial No: 10/067,385 Art Unit: 1645
Filed: 5 February 2002 Examiner: Devi, S.
Title: Streptococcus Pneumoniae Proteins and Vaccines
Docket No: 469290-589

4 December 2003

VIA FACSIMILE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

In response to the Office Action, dated 25 November 2003, Applicant herewith submits the following papers:

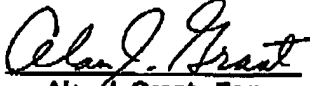
1. Copy of the Election of Invention originally filed on 6 June 2003; and
2. Copy of Return Postcard showing receipt of the Election of Invention by the USPTO.

Applicants originally replied to the Office Action of 6 May 2003 by filing, on 6 June 2003, an Election of Invention, a Preliminary Amendment, an Information Disclosure Statement, a form 1449 and copies of cited references. Applicant's agent understands from the Examiner that the Election of Invention does not appear to be in the Patent Office file. Thus, Applicant provides herewith a copy of the Election of

Serial No. 10/067,385
Filed: 5 February 2002

Invention, as filed on 6 June 2003, and a copy of the return postcard showing that these items were received by the Patent Office.

No fee is believed due in filing this response. If any fee is due, the Commissioner is authorized to charge any and all such fees to Deposit Account No. 03-0678.

| | |
|---|------------------------|
| VIA FACSIMILE | |
| I hereby certify that this correspondence is being telefaxed to: | |
| Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 | |
|  Alan J. Grant, Esq. | <u>12/4/03</u> Date |

Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examining Operations**

Applicant(s): Adamou and Choi
Serial No: 10/067,385 **Art Unit:** 1645
Filed: 5 February 2002 **Examiner:** Devi, S.
Title: Streptococcus Pneumoniae Proteins and Vaccines
Docket No: 469290-589

6 June 2003

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

ELECTION OF INVENTION

Sir:

In response to the Restriction dated 6 May 2003, Applicant responds be electing the claims of Group I (claims 1-4 and 11), drawn to a polypeptide and a vaccine with traverse.

Applicants believe that claim 13, which depends from claim 11, should be combined with Group I for purposes of examination because a method of treatment involving the vaccine would necessarily be disclosed in any search of the vaccine claim (since a vaccine is only useful for treatment purposes). Thus, claims 11 and 13 should be searched together.

No fee is believed due in filing this paper. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No. 10/067,385
Filed: 5 February 2002

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Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389

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Examiner Devi

U.S. Patent and Trademark Office

(703) 872-9306

FROM: Alan J. Grant

Total Pages Including Transmittal Sheet: 6

COMMENTS:

Response to Office Action dated 25 November 2003.

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